

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LONNIE GENE RAGAN	§	
v.	§	CIVIL ACTION NO. 6:07cv228
DIRECTOR, TDCJ-CID	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PETITIONER'S APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioner Lonnie Ragan filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On June 28, 2007, the Magistrate Judge issued a Report recommending that Ragan's application for leave to proceed *in forma pauperis* be denied and that Ragan be required to pay the filing fee of \$5.00. The Magistrate Judge observed that over the preceding six months, Ragan had received deposits to his inmate trust account totaling \$750.00, and that he had a present balance of \$104.84 in his account. A copy of the Report was sent to Ragan at his last known address, return receipt requested, but no objections were received; accordingly, Ragan is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings and the Report of the Magistrate Judge and has determined that this Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 8) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Petitioner's motion for leave to proceed *in forma pauperis* (docket no. 7) is DENIED. It is further ORDERED that the Petitioner shall have 30 days from the date of receipt of this order in which to pay the habeas corpus filing fee of \$5.00. Failure to comply with this order could result in the dismissal of this petition for failure to prosecute or to obey an order of the Court.

So ORDERED and SIGNED this 8th day of August, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**